**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE**

**WRIT PETITION NO.30637 of 1998**

Between:
M.Narasimha Murthy

**..... Petitioner**

AND

The District Cooperative Officer,
Eluru, W.G.District and others.

**.....Respondents**

**::ORDER::**

**Counsel for the Petitioner : Sri E.Venkat Rao for Sri G.V.Shivaji**

**Counsel for the Respondents : Government Pleader for Cooperation**

**Dated 12.9.2007**

The petitioner, who was serving as Secretary, Kesavaram Large Sized Cooperative Society, Kesavaram has prayed for quashing

the action taken by the Divisional Cooperative Officer, Eluru, West Godavari District (respondent No.2) to reduce his salary and recover the alleged excess amount paid in accordance with Government Memo No.5661/Coop.III/2/91-1 dated 14.10.1991. He has further prayed for suspending the operation of proceedings Rc.No.2462/96-C dated 30.9.1998 issued by respondent No.2.

On 27.6.2007, learned Government Pleader for Cooperation invited the court's attention to the judgment of the Division Bench in **A.P.State Cooperative Societies Secretaries and Employees Union v. Government of A.P.**[1] and submitted that the writ petition is liable to be dismissed because Memo dated 14.10.1991, which constitutes the bedrock of the petitioner's claim was rescinded by G.O.Ms.No.314 dated 26.12.2000 and vires of that G.O has been upheld by the Division Bench of this Court. Thereupon, learned counsel for the petitioner made a request for adjournment, which was duly accepted.

Today, Sri E.Venkata Rao, learned counsel appearing for the petitioner produced before the Court G.O.Ms.No.308 dated 30.12.2006 issued by the State Government in the matter of recovery of the excess amounts drawn by / paid to the Secretaries and submitted that his client should be given relief in terms of the latest G.O.

Learned Government Pleader submitted that G.O.Ms.No.308 dated 30.12.2006 is not applicable to the petitioner's case.

In my opinion, it is not necessary for this Court to adjudicate on the entitlement or otherwise of the petitioner's claim for grant of relief in terms of G.O.Ms.No.308 dated 30.12.2006 because he has not laid factual foundation for this purpose.

The question whether the petitioner's pay could have been

refixed by respondent No.2 has already been answered by the Division Bench of this Court in **A.P.State Cooperative Societies Secretaries and Employees Union v. Government of A.P** (supra) and, therefore, the writ petition is liable to be dismissed. Ordered accordingly.

However, liberty is given to the petitioner to make representation to the competent authority for grant of benefit in terms of G.O.Ms.No.308 dated 30.12.2006. If he makes such representation, then the same shall be considered and decided by the competent authority within three months.

As a sequel to dismissal of the writ petition, the interim order dated 23.12.1998 is vacated and W.P.M.P.No.37482 of 1998 filed by the petitioner for interim relief is dismissed.

**G.S.SINGHVI, CJ**

msv

dated 12.9.2007

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[1] 2002(4) ALD 527 (DB)